

BUTZEL LONG

ATTORNEYS AND COUNSELORS

a professional corporation

Eric B. Fisher
212 374 5359
fishere@butzel.com

22nd Floor 380 Madison Avenue
New York, New York 10017
T: 212 818 1110 F: 212 818 0494
butzel.com

May 12, 2010

Via email/pdf to rdd.chambers@nysb.uscourts.gov

The Honorable Robert D. Drain
United States Bankruptcy Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: In re DPH Holdings Corp., et al., 05-44481 (RDD)

Dear Judge Drain:

This firm represents DPH Holdings Corp. and certain of its affiliated reorganized debtors (collectively, the “Plaintiffs”) in connection with more than one hundred preference actions now pending before this Court (collectively, the “BL Avoidance Actions”). The firm of Togut, Segal & Segal LLP also represents Plaintiffs in a number of preference actions (collectively, together with the BL Avoidance Actions, the “Avoidance Actions”) and joins in this letter.

As the Court is aware, on March 17, 2010, Plaintiffs filed a Motion for a Case Management Order Establishing Procedures Governing Adversary Proceedings (the “CMO Motion”). The CMO Motion is currently scheduled to be heard on May 20, 2010 and has been opposed by certain defendants named in the Avoidance Actions (collectively, the “Objecting Defendants”). As the Court is also aware, several defendants named in the Avoidance Actions, including several of the Objecting Defendants, have filed motions to dismiss the respective Avoidance Actions pending against them (collectively, the “Pending Dismissal Motions”). The Pending Dismissal Motions, as well as any other motions to dismiss filed before May 14, 2010 (collectively with the Pending Dismissal Motions, the “First Wave Dismissal Motions”), are currently scheduled to be heard on July 22, 2010.

In light of the potential impact that the Court’s ruling(s) on the First Wave Dismissal Motions could have on the Avoidance Actions, the attorneys for certain of the Objecting Defendants and certain other defendants (collectively with such Objecting Defendants, the

The Honorable Robert Drain
United States Bankruptcy Court
Southern District of New York
May 12, 2010

“Consenting Defendants”) recently requested that Plaintiffs adjourn the May 20th hearing on the CMO Motion to a date not less than 30 days after the Court renders its ruling(s) on the First Wave Dismissal Motions. The Consenting Defendants further requested that (i) Plaintiffs adjourn any pre-trial conferences that have been or may be scheduled to future date(s) to be determined by the Court following the Court’s entry of order(s) on the First Wave Dismissal Motions, and (ii) Plaintiffs agree to stay discovery, subject to certain exceptions, until after the rescheduled hearing on the CMO Motion. Plaintiffs consent to the Consenting Defendants’ requests and have collaborated with those parties to prepare a proposed order that completely embodies the parties’ agreement. A copy of the proposed order, which this Court may enter under Bankruptcy Rule 9006 without notice or a hearing, is enclosed for Your Honor’s review.

Accordingly, on behalf of themselves and the Consenting Defendants, Plaintiffs respectfully request Your Honor’s endorsement and entry of the enclosed proposed order.

Respectfully,

/s/ Eric B. Fisher

EBF/djd

cc: Attached Distribution List (via email)
1205745v4

BUTZEL LONG